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Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C.

RECEIVED

MAY 13 2004

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

In the Matter of )  
 )  
Section 63.71 Application of )  
 )  
Winstar Communications, LLC )  
 )  
For Authority to Discontinue )  
Certain Services )

WCB Docket No. 04-712

SECTION 63.71 APPLICATION

Winstar Communications, LLC and certain of its subsidiaries<sup>1</sup> ("Winstar"), through their undersigned counsel, hereby file this Application to discontinue services pursuant to Section 63.71 of the Commission's rules, 47 C.F.R. § 63.71, and Section 214 of the Communications Act of 1934, as amended, in selected areas defined herein. Specifically, Winstar is seeking to discontinue the provision of certain local, domestic and international long distance, toll free, private line, ATM, frame-relay and Internet services to customers in a number of locations nationwide on June 30, 2004.<sup>2</sup> In support of this Application, Winstar submits the following information

**I. Description of Discontinuance**

**1. Name and address of carrier**

Winstar Communications, LLC  
520 Broad Street  
Newark, NJ 07102


<sup>1</sup> Winstar Communications of Arizona, LLC, Winstar of Georgia, LLC; and Winstar of Pennsylvania, LLC

<sup>2</sup> Winstar has previously filed a separate application to discontinue another group of customers on June 15, 2004. See *In re Section 63.71 Application of Winstar Communications, LLC for Authority to Discontinue Certain Services*, Section 63.71 Application, WCB Docket No. 04-154 (filed Apr. 15, 2004) ("April 15, 2004 Application"). After the filing of the April 15, 2004 Application, Winstar identified additional customers whose service would be discontinued, including certain customers who recently requested or began receiving service.

**CERTIFICATION OF APPLICANT**

On behalf of Winstar Communications, LLC, I hereby certify that the statements in the foregoing Application for Section 63.71 authority are true, complete, and correct to the best of my knowledge and are made in good faith.

Winstar Communications, LLC

By:   
Name: EPHRAIM FINKELSTEIN  
Title: CEO  
Date: May 11, 2004

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For purposes of this application, Winstar may be contacted at:

Joseph M. Sandri  
Senior Vice President & Regulatory Counsel  
Winstar Communications, LLC  
1850 M Street, NW, Suite 300  
Washington, DC 20036  
Tel: (202) 367-7643  
Fax: (202) 659-1931  
E-Mail: [jsandri@winstar.com](mailto:jsandri@winstar.com)

**2. Date of planned service discontinuance**

The anticipated date for the discontinuance of service in the markets described below in paragraph 3 is June 30, 2004, or as soon thereafter as the necessary state and federal regulatory authorizations have been obtained

**3. Points of geographic areas of service affected**

By this Application, Winstar seeks authority to discontinue the provision of certain commercial services provided to non-federal governmental customers in the states of Arizona, California, Colorado, Florida, Georgia, Illinois, Massachusetts, Maryland, Michigan, Minnesota, Pennsylvania, Texas and Washington.

**4. Brief description of the type of service affected**

Winstar proposes to discontinue the provision of local, domestic and international long distance, toll free, private line, ATM, frame-relay and Internet services to commercial customers in the states listed in paragraph 3, above. Winstar's federal government customers, Winstar's fixed wireless services and offerings supporting mobile carrier infrastructures; cable, Wi-Fi and other backhaul systems, private circuits, closed networks; and spectrum lease offerings, all offered nationwide, remain unaffected by this application.

**5. Brief description of the dates and methods of notice to all affected customers**

Written notice to all affected customers substantially in the form of the sample letters attached as Exhibit A, Exhibit B and Exhibit C were mailed to customers on either April 30, 2004, May 5, 2004 or May 11, 2004. The customer notice letters were prepared in accordance with the requirements of Section 63.71(a) of the Commission's Rules.

**6. Non-dominance of the carrier with respect to the service to be discontinued**

Winstar is non-dominant with respect to the services that it proposes to discontinue.

## FREQUENTLY ASKED QUESTIONS – May 11, 2004 Notification

### **I received a Notice of Discontinuance of Service. What should I do now?**

Please do not delay in arranging for a new service provider, as some carriers may require several weeks to install new services. You should contact other carriers that serve your area to discuss their rates and terms and make immediate arrangements to migrate your service to a new carrier. A list of carriers serving your area can usually be found in the front of your local telephone book. *As noted in the attached letter, Z-Tel Communications, Inc. has advised us that it would welcome an opportunity to work with our customers to convert their Winstar service to any comparable Z-Tel service. You may contact Z-Tel to discuss the services they offer at 1-800-371-3818.* Once you have chosen your new provider, Winstar will make every effort to assist in a smooth service transition.

### **Who is Z-Tel?**

Z-Tel is a nationwide wire line and broadband telecommunications company serving consumers and businesses. Unlike other providers, Z-Tel offers its customers enhanced calling features, such as voice-activated dialing and Web-accessible voicemail, which make communications smarter and more efficient. In addition to serving its own customers, Z-Tel is the backbone provider for Sprint's local service and formerly for MCI's The Neighborhood. Z-Tel has been serving customers since 1999 and is traded on the Nasdaq exchange under the symbol "ZTEL". Over half a million customers across the country rely on Z-Tel-powered services every day.

### **Can I still contact Winstar if I have issues related to my account?**

Yes. Winstar's National Customer Satisfaction Center will be available to assist with your transition and any related questions you have. If you have a customer request or inquiry, you may either call us at 800-778-3757 or you may contact us at [assistance@winstar.com](mailto:assistance@winstar.com). We are committed to providing personal assistance with every inquiry.

### **What will happen to my bill?**

You will need to pay all charges applicable to your account through the date your service is switched to your new provider. A final invoice will be sent to you showing applicable charges through that date, which will be due and payable per Winstar's payment policy. You will not be charged any early termination fees.

### **I have a long-term contract with Winstar. Will I be charged for leaving?**

No. Winstar customers in the service locations affected by this discontinuance will not be invoiced for early termination fees related to the breaking of a contract term.

### **I am having technical trouble with my service. Who do I speak to?**

Winstar will continue to respond to reports of technical problems. If you are having technical trouble, call us at (888) WINSTAR (888-946-7827).

### **I have a question that was not answered in these FAQs. How do I contact Winstar?**

If you have a question that was not addressed in these FAQs you may either send us an email to [assistance@winstar.com](mailto:assistance@winstar.com) or you may contact us at 800-778-3757.

### **Where does Winstar still operate?**

Winstar intends to maintain its commercial switched network in the New York and Washington, DC markets. It also maintains numerous fixed wireless, mobile network infrastructure, and government systems nationwide.

**7. Service**

In accordance with Section 63 71(a) of the Commission's rules, Winstar has mailed a copy of this application to the Governor and the public utility commission of each of the states listed above in paragraph 3, and to the Special Assistant for Telecommunications for the Secretary of Defense

**8. Additional questions regarding this application may be addressed to:**

Jean L Kiddoo  
Brian McDermott  
Swidler Berlin Shereff Friedman, LLP  
3000 K Street, Suite 300  
Washington, D.C. 20007  
Tel. (202) 424-7500  
Fax (202) 424-7645  
Email. JLKiddoo@swidlaw.com  
BMMcdermott@swidlaw.com

**II. Circumstances of Discontinuance**

As part of Winstar's plan to refocus its business plan in order to maintain long term profitability, Winstar has determined to discontinue the provision of certain services in a number of locations nationwide. This includes the discontinuance of certain commercial facilities-based services, except those excluded in paragraph 4, that are currently provided through the use of Winstar switches located in the states of Arizona, California, Colorado, Florida, Georgia, Illinois, Massachusetts, Maryland, Michigan, Minnesota, , Pennsylvania, Texas and Washington. This discontinuance application does not address federal government customers.



Winstar Communications, LLC  
520 Broad Street  
Newark, New Jersey 07102

**NOTICE OF INTERNET SERVICES DISCONTINUANCE**  
**DO NOT DISREGARD THIS NOTICE**

May 11, 2004

[ADDRESS]

RE Account #

Dear Winstar Customer

We regret to inform you that Winstar plans to reconfigure and redesign the services it offers in your geographic area. As a result, we have determined that we can no longer provide your Business Internet services. **Accordingly, Winstar intends to discontinue BUSINESS INTERNET SERVICES that you receive in your current service location. The anticipated date for the discontinuance of your service is Wednesday, June 30, 2004.**

**Select a new Internet service provider as soon as possible to avoid any interruption of service.** Please do not delay in arranging for a new service provider, as some carriers may require several weeks to install new services. Once you have chosen your new provider, Winstar will work with the carrier you have selected to assist in the transition of your service. Z-Tel Communications, Inc., a nationwide telecommunications provider, has advised us that it would welcome the opportunity to work with our customers to convert their Winstar service to a comparable Z-Tel service. You may contact Z-Tel directly to discuss the services they offer at 1-800-371-3818.

The Federal Communications Commission ("FCC") permits customers to object to discontinuance of their service by a telecommunications provider. As provided in the FCC's rule 47 CFR 63.71

*The FCC will normally authorize this proposed discontinuance of service unless it is shown that customers would be unable to receive service or a reasonable substitute from another carrier or that the public convenience and necessity is otherwise adversely affected. If you wish to object, you should file your comments within 15 days after receipt of this notification. Address them to the Federal Communications Commission, Washington, D.C. 20554, referencing the Section 63.71 Application of Winstar Communication, LLC. Comments should include specific information about the impact of this proposed discontinuance upon you or your company, including any inability to acquire reasonable substitute service.*

Winstar appreciates the opportunity we have had to serve you. We are committed to making your service transition as smooth as possible. Please review the attached list of Frequently Asked Questions. If you have any further questions regarding the discontinuance of our services, please contact us at 1-800-778-3757.

Sincerely yours,  
Winstar Customer Service

Attachment: Frequently Asked Questions

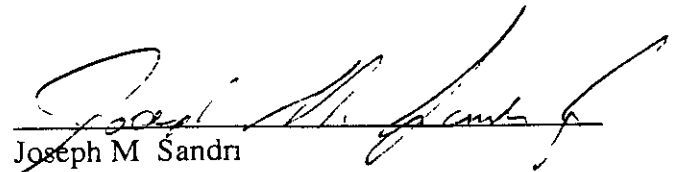
### III. Conclusion

Winstar believes that the proposed discontinuance is reasonable and necessary. Winstar will take all reasonable steps, to the extent it is able, to assure that the discontinuance of service is not unduly disruptive to the present or future public convenience and necessity. For the foregoing reasons, Winstar respectfully requests, pursuant to Section 214(a) of the Communications Act of 1934, as amended, 47 U.S.C. § 214(a) and Section 63.71 of the Commission's Rules, that the Commission permit it to discontinue the provision of services to certain customers pursuant to Section 63.71.

Respectfully submitted,

**Winstar Communications, LLC**

By:

  
Joseph M. Sandri

Senior Vice President & Regulatory Counsel

Winstar Communications, LLC

1850 M Street, N.W., Suite 300

Washington, DC 20036

Tel: (202) 367-7643

Fax: (202) 659-1931

E-Mail: jsandri@winstar.com

Dated. May 12, 2004

**Exhibit C**

**May 11, 2004 Sample Discontinuance Notice Letter**

## CERTIFICATE OF SERVICE

I hereby certify that the foregoing Section 63.71 Application of Winstar Communications, LLC was served this 13~~th~~ day of May, 2004, by mailing true and correct copies thereof, postage prepaid, to the following persons at the addresses appearing on the attached list.

Brian M. Dwyer

## FREQUENTLY ASKED QUESTIONS – May 5, 2004 Notification

### **I received a Notice of Discontinuance of Service. What should I do now?**

Please do not delay in arranging for a new service provider, as some carriers may require several weeks to install new services. You should contact other carriers that serve your area to discuss their rates and terms and make immediate arrangements to migrate your service to a new carrier. A list of carriers serving your area can usually be found in the front of your local telephone book. *As noted in the attached letter, Z-Tel Communications, Inc. has advised us that it would welcome an opportunity to work with our customers to convert their Winstar service to any comparable Z-Tel service. You may contact Z-Tel to discuss the services they offer at 1-800-371-3818.* To help avoid unplanned service disruption, please check carefully that all service types you currently have with Winstar (local phone, long distance, calling card, toll free, and/or Internet services) are moved to your new carrier. Once you have chosen your new provider, Winstar will make every effort to assist in a smooth service transition.

### **Who is Z-Tel?**

Z-Tel is a nationwide wire line and broadband telecommunications company serving consumers and businesses. Unlike other providers, Z-Tel offers its customers enhanced calling features, such as voice-activated dialing and Web-accessible voicemail, which make communications smarter and more efficient. In addition to serving its own customers, Z-Tel is the backbone provider for Sprint's local service and formerly for MCI's The Neighborhood. Z-Tel has been serving customers since 1999 and is traded on the Nasdaq exchange under the symbol "ZTEL." Over half a million customers across the country rely on Z-Tel-powered services every day.

### **Can I still contact Winstar if I have issues related to my account?**

Yes. Winstar's National Customer Satisfaction Center will be available to assist with your transition and any related questions you have. If you have a customer request or inquiry, you may either call us at 800-778-3757 or you may contact us at [assistance@winstar.com](mailto:assistance@winstar.com). We are committed to providing personal assistance with every inquiry.

### **I have an installation scheduled with Winstar. What is the status?**

Winstar will proceed with currently scheduled installations of local phone service, long distance, or high speed Internet services for your affected service location; however, we anticipate disconnecting these services, subject to regulatory approvals, on Wednesday, June 30, 2004. Please contact Winstar immediately at 800-778-3757 if you choose to cancel your pending order.

### **My business has local phone service from Winstar. What will happen to my phone number?**

Your phone number may be transferred to your new local phone company upon completion of the migration process. Make sure that your new carrier is aware of your desire to keep your existing phone number(s).

### **What will happen to my bill?**

You will need to pay all charges applicable to your account through the date your service is switched and calls are carried by your new provider. A final invoice will be sent to you showing applicable charges through that date, which will be due and payable per Winstar's payment policy. You will not be charged any early termination fees.

### **I have a long-term contract with Winstar. Will I be charged for leaving?**

No. Winstar customers in the service locations affected by this discontinuance will not be invoiced for early termination fees related to the breaking of a contract term.

### **I am having technical trouble with my service. Who do I speak to?**

Winstar will continue to respond to reports of technical problems. If you are having technical trouble, call us at (888) WINSTAR (888-946-7827).

### **I have a question that was not answered in these FAQs. How do I contact Winstar?**

If you have a question that was not addressed in these FAQs you may either send us an email to [assistance@winstar.com](mailto:assistance@winstar.com) or you may contact us at 800-778-3757.

### **Where does Winstar still operate?**

Winstar intends to maintain its commercial switched network in the New York and Washington, DC markets. It also maintains numerous fixed wireless mobile network infrastructure, and government systems nationwide.

SERVICE LIST

Secretary of Defense  
Attn: Special Assistant for Telecommunications  
1000 Defense Pentagon  
Washington, D C 20301-1000

Governor, Janet Napolitano  
State Capitol, Executive Tower  
1700 West Washington Street  
Phoenix, AZ 85007

Arizona Corporation Commission  
Brian C. McNeil, Executive Secretary  
Utilities Division  
1200 W. Washington Street  
Phoenix, AZ 85007

Governor, Arnold Schwarzenegger  
State Capitol  
1<sup>st</sup> Floor  
Sacramento, CA 95814

Docket Office, Room 2001  
California Public Utilities Commission  
State Building  
505 Van Ness Avenue, Suite 100  
San Francisco, CA 94102-3298

Governor, Bill Owens  
136 State Capitol Building  
Denver, CO 80203-1792

Colorado Public Utilities Commission  
Bruce N. Smith, Director  
1580 Logan Street  
Office Level 2  
Denver, CO 80203

Governor, Jeb Bush  
The Capitol  
Tallahassee, FL 32399-0001

Florida Public Service Commission  
Blanca S. Bayo, Commission Clerk and  
Administrator Services  
2540 Shumard Oak Blvd.  
Tallahassee, FL 32399-0850

The Honorable Sonny Perdue  
203 State Capitol  
Atlanta, GA 30334

Reece McAlister, Executive Secretary  
Georgia Public Service Commission  
244 Washington Street, S.W.  
Atlanta, GA 30334

Governor, Rod R. Blagojevich  
207 State Capitol Building  
Springfield, IL 62706

Elizabeth A. Rolando, Chief Clerk  
Illinois Commerce Commission  
527 E. Capitol Avenue  
Springfield, IL 62701

Governor, Robert L. Ehrlich Jr.  
State House  
100 State Circle  
Annapolis, MD 21401

Felecia L. Greer, Executive Secretary  
Maryland Public Service Commission  
6 St. Paul Street, 16<sup>th</sup> Floor  
William Donald Schaefer Tower  
Baltimore, MD 21202



Winstar Communications, LLC  
520 Broad Street  
Newark, New Jersey 07102

## NOTICE OF COMMUNICATION SERVICES DISCONTINUANCE DO NOT DISREGARD THIS NOTICE

May 5, 2004 Notification

[Name]  
[Address]

RE: Account #

Dear Winstar Customer.

We regret to inform you that Winstar plans to reconfigure and redesign the services it offers in your geographic area. As a result, we have determined that we will no longer provide your telecommunications services in area(s) outside of the New York and Washington, DC metropolitan area. We have also informed the Federal Communications Commission of this development. Accordingly, Winstar intends to discontinue all **LOCAL, DOMESTIC AND INTERNATIONAL LONG DISTANCE, TOLL FREE, PRIVATE LINE, and INTERNET SERVICES** that you receive in your current service location(s) outside of New York and/or Washington, DC metropolitan area(s). Subject to regulatory approval, the anticipated date for the discontinuance of your service is **Wednesday, June 30, 2004**. Any service that we currently provide to you in New York and/or Washington, DC metropolitan area(s) will not be affected by this discontinuance.

Select a new carrier as soon as possible to avoid any interruption of service. Please do not delay in arranging for a new service provider, as some carriers may require several weeks to install new services. To help avoid service disruption, please check carefully that all service types you currently have with Winstar (local, long distance, toll free, calling card and/or Internet) are moved to your new carrier. Once you have chosen your new provider, Winstar will work with the carrier you have selected to assist in the transition of your service. Z-Tel Communications, Inc., a nationwide telecommunications provider, has advised us that it would welcome the opportunity to work with our customers to convert their Winstar service to a comparable Z-Tel service. You may contact Z-Tel directly to discuss the services they offer at 1-800-371-3818.

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Sincerely yours,  
Winstar Customer Service

Attachment: Frequently Asked Questions

**SERVICE LIST (Cont'd)**

Governor, Mitt Romney  
State House  
Executive Office, Room 360  
Boston, MA 02133

Mary Cottrell, Secretary  
Massachusetts Department of  
Telecommunications and Energy  
One South Station  
Boston, MA 02110

Governor, Jennifer Granholm  
George W. Romney Building  
P.O. Box 30013  
Lansing, MI 48909

Michigan Public Service Commission  
Mary Jo Kunkle, Executive Secretary  
6545 Mercantile Way, Suite 7  
Lansing, MI 48911

Governor, Tim Pawlenty  
130 State Capitol  
75 Rev. Dr. MLK Jr., Blvd.  
St Paul, MN 55155

Minnesota Department of Commerce  
Linda Chavez, Telephone Docketing Coord.  
85 7<sup>TH</sup> Place E., Suite 500  
St. Paul, MN 55101

The Honorable Edward Rendell  
Room 225  
Main Capitol Building  
Harrisburg, PA 17120

Pennsylvania Public Utility Commission  
James J. McNulty, Secretary  
Commonwealth Keystone Building  
400 North Street  
Harrisburg, PA 17120

Governor, Rich Perry  
State Capitol  
P.O. Box 12428  
Austin, TX 78711

Texas Public Utility Commission  
Cathy Hightower, File Clerk  
1701 N. Congress Avenue  
Austin, TX 78711-3326

Governor, Gary Locke  
Insurance Building  
P O. Box 40002  
Olympia, WA 98504-0002

Washington Utilities and Transportation  
Commission  
Carole J. Washburn, Executive Secretary  
1300 South Evergreen Park Drive, S.W.  
Olympia, WA 98504

## FREQUENTLY ASKED QUESTIONS – April 30, 2004 Notification

### **I received a Notice of Discontinuance of Service. What should I do now?**

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**Exhibit A**

2

**April 30, 2003 Sample Discontinuance Notice Letter**

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Winstar Communications, LLC  
520 Broad Street  
Newark, New Jersey 07102

**NOTICE OF COMMUNICATION SERVICES DISCONTINUANCE**  
**DO NOT DISREGARD THIS NOTICE**

April 30, 2004 Notification

[Address]

RE: Account #

Dear Winstar Customer:

We regret to inform you that Winstar plans to reconfigure and redesign the services it offers in your geographic area. As a result, we have determined that we will no longer provide your telecommunications services in area(s) outside of the New York and Washington, DC metropolitan area. We have also informed the Federal Communications Commission of this development. Accordingly, Winstar intends to discontinue all **LOCAL, DOMESTIC AND INTERNATIONAL LONG DISTANCE, TOLL FREE, PRIVATE LINE, and INTERNET SERVICES** that you receive in your current service location(s) outside of New York and/or Washington, DC metropolitan area(s). Subject to regulatory approval, the anticipated date for the discontinuance of your service is Wednesday, June 30, 2004. Any service that we currently provide to you in New York and/or Washington, DC metropolitan area(s) will not be affected by this discontinuance.

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Sincerely yours,  
Winstar Customer Service

Attachment: Frequently Asked Questions